

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

March 29, 2011

Enbridge Energy, Limited Partnership
c/o Mr. Rich Adams
Vice President, Operations
Superior City Centre
Second Floor
1409 Hammond Ave.
Superior, Wisconsin 54880

Re: U.S. EPA Notice of Disapproval of Enbridge Energy, Limited Partnership's March 14, 2011 submittal in response to the Administrative Order issued by U.S. EPA on July 27, 2010, pursuant to §311(c) of the Clean Water Act (Docket No. CWA 1321-5-10-001) and Supplement to the Administrative Order issued by U.S. EPA on September 23, 2010.

Dear Mr. Adams:

The United States Environmental Protection Agency (U.S. EPA) has completed its review of the following document submitted by Enbridge Energy, Limited Partnership, Enbridge Pipelines (Lakehead) L.L.C., Enbridge Pipelines (Wisconsin), and Enbridge Energy Partners, L.P. (herein collectively referred to as "Enbridge"):

Enbridge Line 6B MP 608, Marshall, Michigan Pipeline Release, Supplement to the Response Plan for Downstream Impacted Areas and the Source Area Response Plan, Commonly Referred to as the "Overbank and Poling Reassessment Work Plan", Enbridge Energy, Limited Partnership, Line 6B Incident, Marshall, Michigan, March 14, 2011.

Pursuant to Paragraph 19 of the July 27, 2010 Order, U.S. EPA disapproves Enbridge's above referenced Overbank and Poling Reassessment Work Plan ("Plan") submitted on March 14, 2011 due to deficiencies in content and lack of sufficient technical details. Specific comments are set forth below and shall be incorporated into a revised Plan.

1. General

- a. Please provide the makeup of each inspection team and clearly identify the parties/agencies that will be included on the assessment teams.
- b. Please identify Enbridge personnel that will be performing the assessment activities and whether they were on previous assessment teams for submerged oil, overbank areas and floodplains.
- c. Please define the term "previously identified SCAT point" as used throughout the Plan.

2. Section 1 Introduction
 - a. Coring is referenced in the second paragraph. However, details regarding coring procedures, analyses and evaluation of cores are not provided in the Plan. Please provide details regarding the referenced coring.
3. Section 2.1 Objectives (Submerged Oil and Sediment Reassessment)
 - a. Please clarify and amend the first paragraph to include utilization of the following information sources in determining areas that will be reassessed for the presence of submerged oil:
 - i. The current Operations and Maintenance (O&M) tracking table.
 - ii. 2010 Submerged Oil Recovery Summary Report
 - iii. Qualitative coring data results including historic data as well as February 2011 Talmadge Creek assessment data.
 - iv. Other data sources (e.g., winter work site reports)
4. Section 2.2 Locations (Submerged Oil and Sediment Reassessment)
 - a. The proposed quantity of poling locations is not sufficient for the aerial extent of the investigation areas. Please increase the quantity of poling locations for each area or provide a justification for the small quantity of poling locations.
 - b. Please provide the specific rationale for the number of poling locations in each area.
 - c. Please amend this section to state that poling locations will be biased towards areas where information is available indicating a presence or suspicion of submerged oil.
 - d. Please amend the areas that will be poled to include areas where oil is expected to have accumulated (e.g., backwaters and oxbows) since the last time assessments were performed.
5. Section 2.3 Assessment Procedures (Submerged Oil and Sediment Reassessment)
 - a. Please add a provision confirming that existing ecological assessment data will be utilized and considered when determining current reassessment activities. Please provide specific citations to existing documents if referenced.
 - b. Please provide a detailed plan for delineating areas of detected submerged oil. If procedures from existing documents will be used for delineation, please provide specific document citations.
 - c. Please provide a detailed procedure for collecting oil and/or sheen if generated during the reassessment activities. If procedures from existing documents will be used for delineation, please provide specific document citations.
 - d. Please provide a description of how the assessment results will be compiled, evaluated, and reported to U.S. EPA.

- e. Please state that results of the assessment will be used to update the existing conceptual site model.
6. Section 3.1 Objectives (Overbank and Shoreline Reassessment)
- a. Please clarify and amend the first paragraph to include utilization of the following information sources in determining overbank and shoreline areas that will be reassessed for the presence of oil:
 - i. The current Operations and Maintenance (O&M) tracking table.
 - ii. 2010 Submerged Oil Recovery Summary Report
 - iii. 2010 SCAT Assessment Data and Report
 - iv. Qualitative coring data results including historic data as well as February 2011 Talmadge Creek assessment data.
 - v. Other data sources (e.g., winter work site reports)
 - b. Please specify how overbank and floodplain areas affected by or expected to have been impacted by oil from the spill will be identified prior to performing an assessment. At a minimum, the assessment shall be completed to the estimated extent of inundation experienced during July/August 2010 and/or the source of floodplain limits (e.g. United States Geological Survey Flood Inundation Model; Shoreline Cleanup Assessment Technique reports/observations; previous aerial imagery, etc.).
 - c. Please state that the overbank and shoreline areas along Talmadge Creek will also be included in the reassessment.
7. Section 3.3 Assessment Procedures (Overbank and Shoreline Reassessment)
- a. Please add a statement confirming that Shoreline Cleanup Assessment Technique (SCAT) reports and other sources of existing data will be/have been considered when determining current reassessment activities. Please provide specific citations to existing documents if referenced.
 - b. Please add a statement confirming that the lateral limits of assessment (away from the waterways) will not be limited by a set distance from the waterway edge and will extend as far as necessary based on field observations, USGS inundation model results, and/or an assessment of the aerial imagery LIDAR data.
 - c. If procedures from existing documents (e.g., Sampling and Analysis Plan, Source Areas Response Plan, Downstream Impacted Area Response Plan, etc.) will be used for assessment, please provide specific document citations.
 - d. Please replace “Assess islands containing previously identified SCAT points” with “Assess islands containing previously identified SCAT points; and other islands which do not contain previously identified SCAT points, but have the potential for oil.”

- e. In the sixth bullet, please replace “....identified as needing a cleanup action...” with “...identified as having visible oil and/or sheen that is affecting or threatening navigable waterways...”

8. Section 4 Schedule

- a. A one-day notification to agencies (e.g., U.S. EPA) of planned activities is not acceptable. Please modify the first paragraph to include a minimum 3 day notification to the U.S. EPA, Michigan Department of Environmental Quality (DEQ), U.S. Fish and Wildlife, and the National Oceanic and Atmospheric Association (NOAA) before assessment activities are performed.
- b. Please state that the proposed activity will be completed prior to Spring 2011 vegetation/leaf growth.
- c. Please expand the Gantt Chart Schedule to include the number of assessment teams that will be used during the assessment along with the schedule for each assessment team.
- d. Please expand the Gantt Chart Schedule to include: final plan submission; plan review by agencies; data collection; and preparation of findings report.

The revised Overbank and Poling Reassessment Work Plan, as modified, shall be submitted to U.S. EPA no later than 8:00 hours Eastern, March 31, 2011. The document shall also be concurrently submitted electronically in Microsoft Word format.

If you have any questions regarding this disapproval, please contact me immediately at (231) 301-0559.

Sincerely,



Ralph Dollhopf
Federal On-Scene Coordinator and Incident Commander
U.S. EPA, Region 5

cc: L. Kirby-Miles, U.S. EPA, ORC
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